

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1676

GILBERTO A. GOMEZ,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A75-970-390)

Submitted: January 5, 2005

Decided: February 10, 2005

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Gilberto A. Gomez, Petitioner Pro Se. M. Jocelyn Lopez Wright,
Victor Matthew Lawrence, Larry Patrick Cote, UNITED STATES
DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Gilberto A. Gomez, a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's order finding him removable from the United States. For the reasons discussed below, we dismiss the petition for lack of jurisdiction.

Gomez was found removable as an alien convicted of a crime involving child abuse; as an alien convicted of an aggravated felony offense; and as an aggravated felon convicted of a crime of violence for which the sentence imposed is one year or more. 8 U.S.C. § 1227(a)(2)(A)(iii), (a)(2)(E)(i) (2000). Under 8 U.S.C. § 1252(a)(2)(C) (2000), "[n]otwithstanding any other provision of law, no court shall have jurisdiction to review any final order of removal against an alien who is removable by reason of having committed a criminal offense covered in section . . . 1227(a)(2)(A)(iii)."

We have noted that "under this section there is plainly no appellate recourse from a final order of removal for an alien who is removable because he has committed an offense encompassed by section 1227(a)(2)(A)(iii), that is, because he has committed an aggravated felony." Lewis v. INS, 194 F.3d 539, 541 (4th Cir. 1999). We retain jurisdiction to determine whether the jurisdictional facts precluding review are present in a particular

case. Id. at 541-42. The jurisdictional bar is triggered by a determination that a petitioner is an alien who has been convicted of one of the statutorily enumerated offenses requiring removal. Id. at 542.

Based on our review of the record, we find that Gomez is an alien who is removable for having committed an aggravated felony. Accordingly, we dismiss the petition for review for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED